

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session  
December 1, 2010 to June 29, 2011

Pages 1 - 1494

Bill "An Act To Establish Governor William King Day"  
S.P. 65 L.D. 214  
(C "A" S-6)

Resolve, To Enhance Economic Development in the City of Eastport by Facilitating the Ability of the City of Eastport To Transfer Ownership of Property (EMERGENCY)  
S.P. 177 L.D. 594  
(C "A" S-7)

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (3/1/11) Assigned matter:

JOINT ORDER - Establishing the Joint Select Committee on Health Care Costs  
H.P. 597

Tabled - March 1, 2011, by Senator **COURTNEY** of York

Pending - **PASSAGE**, in concurrence

(In House, March 1, 2011, **READ** and **PASSED**.)

(In Senate, March 1, 2011, **READ**.)

On motion by Senator **COURTNEY** of York, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later (3/16/11) Assigned matter:

Bill "An Act To Make a Violation of the Laws Governing Seat Belts a Secondary Offense"

S.P. 37 L.D. 64

Tabled - March 16, 2011, by Senator **DIAMOND** of Cumberland

Pending - motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**

(In Senate, March 16, 2011, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**.)

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator **DIAMOND**.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, just one quick note. We've hit this thing around quite a few times and everyone has been real good about it. I just wanted to remind everybody that this does have a fiscal note to the General Fund of \$1.3 million. That's what we're going to be voting on if this motion to continue the Minority Report continues and not allowing for reconsideration. That is the amount of the cost of this, \$1.3 million over the biennium. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator **Collins**.

Senator **COLLINS:** Thank you Mr. President. Men and women of the Senate, that fiscal note is fines. A large portion of that \$1.3 million is nothing more than an estimate of projected fines. We can hardly predict the weather three or four days in advance. I don't know how we can predict the income from fines. Even though it's a guess, nevertheless it is a guess of projected lost revenue as a result if fining people for not wearing their seatbelts. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Senator **DIAMOND** of Cumberland to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4)**. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#19)**

**YEAS:** Senators: **ALFOND, BARTLETT, BLISS, BRANNIGAN, CRAVEN, DIAMOND, GERZOFSKY, GOODALL, HILL, HOBBS, PATRICK, ROSEN, SULLIVAN, WOODBURY**

NAYS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, JACKSON, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-4), FAILED.**

Sent down for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Senate at Ease.

Senate called to order by the President.

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The Chair laid before the Senate the following Tabled and Later (3/15/11) Assigned matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing Kathy Crowley Fuller, of Hallowell, on the occasion of her retirement from State service after over 25 years of dedicated service to the Legislature and the people of the State of Maine.

SLS 164

Tabled - March 15, 2011, by Senator **PLOWMAN** of Penobscot

Pending - **PASSAGE**

(In Senate, March 15, 2011, **READ.**)

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will probably not have a greater honor than what I'm about to do right now in this Senate Body. Kathy Crowley, now Kathy Crowley Fuller, is retiring, as you have just heard, after all these years. Kathy and I kind of came in together. My first stint in the Senate in 1984, Kathy Crowley worked for the Audit and Program Review Committee, which was the beginning of the Government Oversight Committee. She was outstanding then and then proceeded to be, as we learned, one of the most genuine and nicest persons you will ever want to meet. I hope you get a chance to say hi to her today. She is retiring today. Again, she came in when it was my first time in the Senate. For

the last past several years she's been working with the Appropriations Committee. I had the honor to work with her again. She kind of came in with me and is going out with me. I really appreciate all that she has done for the state. Those of you who don't know her, you will find her to be, again, one of the most gracious, well liked, nicest persons you would ever want to meet, and beyond all that, she's very very competent. She helped us through some of the toughest times on the Audit and Program Review Committee. That was a time when we wrote the Underground Gasoline Tank Leakage legislation. She was right there with us throughout. She's been phenomenal. I can't say enough nice things about her. I hope you will join me in saying thank you for her service and wishing her Godspeed and well in her new relaxation time which she will have for herself and her family. Thank you very much, Mr. President. Please join me in recognizing her.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the chamber Kathy Crowley Fuller. Would she please stand and accept the greetings and the thanks of the Maine Senate.

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Out of order and under suspension of the Rules, the Senate considered the following:

#### REPORTS OF COMMITTEES

Senate

#### Ought to Pass As Amended

Senator **LANGLEY** for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Establish a Stakeholder Group To Review the Maine State Grant Program  
S.P. 59 L.D. 209

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-10).**

Report **READ** and **ACCEPTED.**

**READ ONCE.**

Committee Amendment "A" (S-10) **READ** and **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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